

PTO :B/26 (08-03)

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REJECTION OVER A PRIOR PATENT**
Docket Number (optional)
VT-1869

In re Application of: Barker et al.

Application No.: 09/484,799

Filed: 1/18/2000

For: LITHIUM-BASED ACTIVE MATERIAL AND PREPARATION THEREOF

The owner, Valence Technology, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,716,372. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. The undersigned is an attorney or agent of record.



6/9/2004

Signature

Da

Michael Ross

Typed or printed name

702-558-1000

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner:** Barker et al.**Application No./Patent No.:** 09/484,799 **Filed/Issue Date:** 1/18/2000**Entitled:** LITHIUM-BASED ACTIVE MATERIALS AND PREPARATION THEREOFValence Technology, Inc. , a Delaware corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or2. an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
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A. [✓] An assignment from the Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010556, Frame 0806, or for which a copy thereof is attached.

OR

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[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

6/9/2004

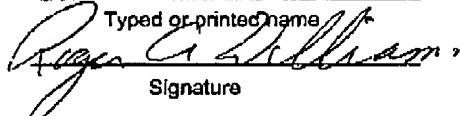
Date

702-558-1000

Telephone number

Roger Williams

Typed or printed name



Signature

V.P. Law and General Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file and by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. An on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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